

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Nagipe Jutawin Stanley,)	Case No. 6:23-cv-02167-DCC
a/k/a Julia Catherine Stanley,)	
a/k/a Nagipejutawin,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
Director of the Floyd County Jail,)	
)	
Respondent.)	
_____)	

This matter is before the Court on Petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.¹ ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation (“Report”). On June 7, 2023, the Magistrate Judge issued a Report recommending that this action be dismissed without prejudice and without leave to amend. ECF No. 8. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. Petitioner has not filed objections to the Report and the time to do so has lapsed.²

¹ This action was initially brought pursuant to 28 U.S.C. § 2254. Because Petitioner is a pretrial detainee, the Magistrate Judge correctly analyzed Petitioner’s claims pursuant to § 2241. The Clerk of Court is directed to amend the docket to reflect these changes.

² After the Magistrate Judge issued the Report but before the undersigned issued an order ruling on the Report, Petitioner filed a notice of interlocutory appeal. On October

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As noted above, Petitioner did not file objections to the Report. The Court notes that her notice of appeal also references reconsideration and may, liberally construed, request review of her requests by a United States District Judge. Accordingly, out of an abundance of caution for a pro se party, the Court has conducted a de novo review of the

5, 2023, the Fourth Circuit issued an order and a mandate dismissing the appeal “for failure to prosecute pursuant to Local Rule 45.” ECF No. 17. Accordingly, the Court proceeds to an evaluation of this case.

Report, the record, and the applicable law. Upon such review, the Court agrees with the recommendation of the Magistrate Judge.³

Based on the foregoing, the Court adopts the Report of the Magistrate Judge. This action is **DISMISSED** without prejudice and without leave to amend.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

October 26, 2023
Spartanburg, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

³ The undersigned has also reviewed the letter requesting that this action be transferred to the Eleventh Circuit Court of Appeal. The Court is of the opinion that this document is not objections to the Report; however, as noted above, the Court has conducted a de novo review of this action.